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030104  
22651 US PTO

# NEW UTILITY PATENT APPLICATION TRANSMITTAL

(only for new nonprovisional applications under  
37 CFR 1.53(b))

Attorney Docket Number	16239-07751
First Named Inventor	Harry Smith et al.
Title	DELIVERY OF CONTINUOUS REAL-TIME PERFORMANCE DATA OVER THE INTERNET
Express Mail Label No.	EV301186707US

22857 U.S. PTO  
10/7/91 6/7



APPLICATION ELEMENTS		ACCOMPANYING APPLICATION PARTS	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)		7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		8. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)	
3. <input checked="" type="checkbox"/> Specification <span style="float: right;">Total Pages <span style="border: 1px solid black; padding: 2px;">18</span></span>		9. <input type="checkbox"/> Power of Attorney or Authorization of Agent	
<i>(preferred arrangement set forth below)</i>		10. <input type="checkbox"/> 37 CFR 3.73(b) Statement	
■ Descriptive Title of the Invention		11. <input type="checkbox"/> Preliminary Amendment	
■ Cross Reference(s) to Related Case(s)		12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449	<input type="checkbox"/> Copies of IDS Citation(s)
■ Statement Regarding Fed sponsored R & D		13. <input checked="" type="checkbox"/> Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent	
■ Background of the Invention		14. <input checked="" type="checkbox"/> Return Postcard _____	
■ Brief Summary of the Invention		15. <input type="checkbox"/> _____	
■ Brief Description of the Drawing(s)		16. <input type="checkbox"/> _____	
■ Detailed Description		17. <input type="checkbox"/> _____	
■ Claim or Claims		<i>ADDRESS TO:</i>	
■ Abstract of the Disclosure		Mail Stop Patent Application Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450	
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;">Total Sheets <span style="border: 1px solid black; padding: 2px;">6</span></span>			
5. Oath or Declaration			
a. <input checked="" type="checkbox"/> New Declaration <span style="float: right;">Total Pages <span style="border: 1px solid black; padding: 2px;">3</span></span>			
<input type="checkbox"/> Executed (original or copy)			
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i>			
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).			
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76			

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

Customer Number

00758

Name (Print/Type)	Daniel R. Brownstone	Registration No. (Attorney/Agent)	46,581
Signature		Date	March , 2004

EXPRESS MAIL NO. EV301186707US

# FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
PLEASE DEFER

Complete if Known	
Application Number	New
Filing Date	March 1, 2004
First Named Inventor	Harry Smith et al.
Examiner Name	UNASSIGNED
Art Unit	UNASSIGNED
Attorney Docket No.	16239-07751

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  Other  None  
 Deposit Account:
Deposit Account Number **19-2555**Deposit Account Name **Fenwick & West LLP**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>		<b>770</b>	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

(OR # Prev. Paid For)	Extra Claims	Fee from below	Fee Paid
Total Claims 1	-20**= 0	x 18 =	0
Independent Claims 1	-3**= 0	x 86 =	0

Multiple Dependent

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	**Reissue independent claims over original patent
1205 18	2205 9	**Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		<b>0</b>

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

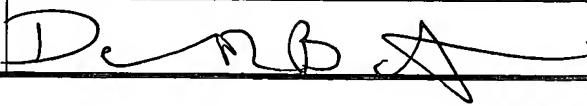
## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(g)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			
<b>SUBTOTAL (3) (\$)</b>		<b>0</b>	

Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Daniel R. Brownstone	Registration No. (Attorney/Agent)	46,581	Telephone (415) 875-2358
Signature		Date	March 1, 2004	

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Harry Smith et al.
	Title	DELIVERY OF CONTINUOUS REAL-TIME PERFORMANCE DATA OVER THE INTERNET
	Atty. Docket Number	16239-07751

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March \_\_\_\_\_, 2004

Date



Signature

Daniel R. Brownstone, Reg. No. 46,581  
Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PGPub, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.